

REMARKS

This Amendment is submitted in conjunction with a Request for Continued Examination under 37 C.F.R. § 1.114. By this paper, claims 1-2, 5, 8, 14 and 15 are amended and new claims 16 and 17 are added. Reconsideration and allowance of the application is respectfully requested.

Prior Art Rejections

Claims 14 and 15 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent number 6,865,410 B2 to Kavet, et al. ("Kavet"). Claims 1-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US patent number 6,327,495 to Iwabuchi et al. ("Iwabuchi") in view of Kavet. By this paper, claims 1-2, 5, 8, 14 and 15 have been amended to distinguish the invention defined by these claims over the cited references. Reconsideration of the rejections is respectfully requested.

The Final Office Action acknowledges that Iwabuchi fails to teach a device configured to contact the skin of a user and measure a body own electrical current to produce biofeedback signals derived from the current. The Final Office Action asserts, however, that Kavet discloses this element, calling attention to Figs. 1-3 and the Abstract of Kavet.

Applicants do not agree. Instead of a device for measuring a body own electrical current (claim 1), or a method for detecting an electrical current occurring at the acupuncture point (claim 8), or device for detecting a body own electrical current (claim 14), or to detect body emitted electrical current signals at an acupuncture point on the body of the user, (claim 15), Kavet *actually* discloses **applying a current to** a user's body (column 4, lines 25-27) or calculating a current based on **voltage** measurements. Kavet does not feature the ability to measure or detect a current from a body. Accordingly, claims 1, 8, 14 and 15 each include limitations nowhere shown, described or suggested by these references.

Moreover, claims 1-2, 5, 8, 14 and 15 have been amended to better distinguish the invention defined by these claims over the cited references. Each of these claims recites or has been amended to clarify use in conjunction with an acupuncture point of the user's body. Neither Iwabuchi nor Kavet is directed to such an application, and neither suggests extension to such an application.

In fact, the claimed device and method has a unique utility when used in conjunction with an acupuncture point to provide biofeedback. The present application incorporates and claims the benefit of U.S. patent application number 09/957,362, filed September 20, 2001. There, it is disclosed that

Recent research has shown that the acupuncture points are characterized by lower electrical resistance and higher conductivity than surrounding skin. This is a body phenomenon that may be readily measured as an indicator of the general health and well being of the patient. This phenomenon may also be used to accurately locate one or more acupuncture points.

(page 1, lines 10-14). Further, the earlier application teaches

biofeedback device 100 is configured to measure an electrical current at an acupuncture point and produce an indication.

(page 4, lines 15-17). Accordingly, the claimed device and method which measures electrical signals, in particular an electrical current, at an acupuncture point provides great benefits for a user. One benefit is that information about the measured current can be used to locate an acupuncture point. In general, biofeedback information may be displayed to the user to show the detected current to the user. The user can place a detector on his skin and move the detector around the skin. When the current achieves a certain value, or when the current value spikes at a certain point on the skin relative to the surrounding skin, the user can be assured he has found the acupuncture point. This is a great help to a user who does not have extensive anatomical knowledge or experience locating acupuncture points.

This feature has been emphasized in amended claim 5, for example, which recites

a biofeedback measuring device configured to ... provide user feedback to the user, including producing on a display a graphical image of measured biofeedback data for use by the user

(emphasis added). The user feedback, in the form of a graphical image, can be used by the user to accurately locate one or more acupuncture points. Once the acupuncture points are located, the remainder of the system can be used to display biofeedback information to the user.

7. Conclusion

For the foregoing reasons, Applicants respectfully submit that the presently amended claims are patentable and thus request allowance of these claims. Moreover, Applicants have submitted new claims, 16-17. For the reasons discussed within this response, none of the cited references, alone or in combination, show, describe or suggest the limitations of the new claims. Applicants therefore respectfully submit that the claims are patentable and thus request allowance of these claims.

If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4288 to resolve any remaining issues.

Respectfully submitted,

/John G. Rauch/
John G. Rauch
Registration No. 37,218

February 22, 2008
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200